

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI**

FEDERAL TRADE COMMISSION,

Plaintiffs,

v.

PEABODY ENERGY CORPORATION,

and

ARCH RESOURCES, INC.,

Defendants.

Civil Action No. 4:20-cv-00317

DEFENDANTS' MOTION TO COMPEL THIRD PARTY DISCOVERY

Defendants Peabody Energy Corporation (“Peabody”) and Arch Resources, Inc. (“Arch”) (collectively referred to as “Defendants”), pursuant to Rule 45 of the Federal Rules of Civil Procedure and Local Rule 3.04, move to compel discovery sought by subpoena from third party Western Coal Traffic League (“WCTL”) and in support state unto this Court as follows:

1. Defendants have directed a document subpoena to WCTL.
2. WCTL has served Defendants with their written objections to the subpoena and, provided a privilege log (the “Privilege Log”).
3. Defendants seek discovery from WCTL of communications between counsel for WCTL and employees of WCTL’s member companies and/or former members regarding the proposed joint venture (the “JV”).
4. Defendants file herewith and incorporate by reference their memorandum of law in support of their motion, and seek discovery of the documents identified in Exhibit 1.

WHEREFORE, Defendants pray this Court enter an order overruling the objections of WCTL to Defendants' document subpoena, instructing WCTL to produce all documents identified in Exhibit 1 for which the Court finds the privileges asserted do not apply or to which an exception to the privileges applies, or instructing WCTL to submit such documents to the Court for *in camera* review, and granting such further relief as may be just and proper.

Dated: June 22, 2020

Respectfully submitted,

/s/ Corey W. Roush

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Counsel for Defendant Peabody Energy Corporation

CERTIFICATE OF SERVICE

The undersigned certifies that on this 22nd day of June, 2020, the foregoing document was served by electronic correspondence on all counsel of record.

/s/ Corey W. Roush

Corey W. Roush